



2812

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Katsuhide MANABE et al.

Serial No.: 10/052,347

Group Art Unit: 2812

Filed: January 23, 2002

Examiner: Mulpuri, S.

For: A METHOD FOR MANUFACTURING A GALLIUM NITRIDE GROUP
COMPOUND SEMICONDUCTOR

Honorable Commissioner of Patents
Washington, DC 20231

PETITION UNDER 37 C.F.R. §1.181

Sir:

Comes now the Applicant and files this Petition in response to an Office Communication dated July 21, 2003, to invoke the supervisory authority of the Commissioner pursuant to 37 C.F.R. §1.181. Applicant states and avers the following:

STATEMENT OF FACTS

- 1) That in an Office Action dated December 3, 2002, the Examiner rejected claims 1-52 and 119-127, all of the claims pending in the Application;
- 2) That the Office Action was a non-final Office Action. Nowhere in the Office Action did the Examiner indicate that the Office Action was final. A copy of the Office Action is attached hereto as Exhibit 1, and incorporated by reference herein;
- 3) That an Amendment including a traversal of the rejections set forth in the December 3rd Office Action was filed by the Applicant on March 19, 2003; and
- 4) That in an Advisory Action dated July 21, 2003 (more than 7 months from the date of the December 3rd Office Action), the Examiner indicated that the Amendment would not be entered because it was "not convincing".

5) That Applicant has telephoned the Examiner on numerous occasions and pointed out the Examiner's error to the Examiner and requested that the Examiner enter the March 19, 2003 Amendment. However, to date the Examiner has not corrected the error and has not entered the Amendment.

ANALYSIS AND CONCLUSION

Applicant states that the Examiner improperly failed to enter and consider the Amendment filed on March 19, 2003.

Therefore, Applicant respectfully petitions that the Amendment filed on March 19, 2003 be entered and considered by the Examiner, and that another Office Action be promptly issued in response to the Amendment.

Applicant further notes that the term of any patent issuing from the subject Application has been shortened by the delay of the Examiner and, therefore, the term should be extended accordingly to account for the Examiner's delay.

While no fee is believed due by virtue of this Petition, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Date: 9/4/07

Respectfully Submitted,



Phillip E. Miller
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